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SEP 18 2005

Milton S. Sales
Patent Legal Staff
Eastman Kodak Company
343 State Street
Rochester, NY 14650-2201

In re Application of : **DECISION ON PETITION**
Kenneth A. Parulski et al : **TO WITHDRAW THE**
Application No. 10/051,342 : **HOLDING OF ABANDONMENT**
Filed: January 18, 2002
For: SYSTEM, METHOD AND SOFTWARE
PRODUCT FOR ORDERING
MERCHANDISE OVER A
COMMUNICATION NETWORK FROM A
PLURALITY OF DIFFERENT
MERCHANDISE PROVIDERS HAVING
VARIOUS BUSINESS RELATIONSHIPS

This is in reply to applicants' petition under 37 CFR 1.1.37 (b) taken as a Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181 filed in the United States Patent and Trademark Office on September 23, 2004. There is no fee for this petition.

The petition is **DISMISSED**.

A review of the file record indicates that the application was held abandoned for failure to timely file a proper response to the Office action dated February 2, 2004 and a Notice to that effect was mailed on September 14, 2004.

Applicants include a response filed by facsimile transmission. The copy of the response includes a Certificate of Transmission dated March 16, 2004.

Any petition to withdraw the holding of abandonment based upon a Certificate of Transmission by facsimile must include the following requirements:

- (1) A copy of the original response bearing a signed Certificate of Transmission which includes the date of signing; and
- (2) A statement under 37 CFR 1.8(b)(3) attesting to the personal knowledge of transmitting the original response on the date indicated on the Certificate of Transmission (see 37 CFR 1.8 and MPEP 512).

The petition fails to meet requirement (2) above. Under requirement (2), applicants have provided no statement under 37 CFR 1.8(b)(3) attesting to the personal knowledge of sending

the original response by facsimile transmission on the date indicated on the certificate, by the person who signed the certificate. In the instant case, a personal statement by Paula West, the certifying official of the facsimile, is required.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(b) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition to Withdraw the Holding of Abandonment Under 37 CFR 1.81."



Randolph A. Reese
Special Programs Examiner
Patent Technology Center 3600
(571) 272-6619

RARjwk: 7/7/05